IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.67 OF 2007
IN
ARBITRATION PETITION NO.443 OF 2003

Sheth Securities Pvt. Ltd.,
a defaulter Member of the
National Stock Exchange
having its address at
13, Homi Modi Street,
Fort, Mumbai-400 023. .... Appellants

- Versus -

1. Harinarayan G. Bajaj
of Mumbai Indian inhabitant
having his office at
406, Commerce House
140, Nagindas Master Road,
Fort, Mumbai-400 001.

2. The National Stock Exchange
of India Ltd., through its
Executive Director, having
its office at "Exchange
Plaza", Bandra Kurla Complex
Bandra (East), Mumbai-400 051. .... Respondents

Shri S.U. Kamdar, Senior Counsel, with
Ms Sunanda R. Kumbhat for the Appellants.

Sarvasri Zal Andhyarujinha i/b Vivek Sharma
for the Respondents.

CORAM: R.M.S. KHANDEPARKAR &
Dr. D.Y. CHANDRACHUD, JJ.

DATED: MARCH 02, 2007

ORAL JUDGMENT (Per R.M.S.Khandeparkar, J.):

1. Heard. Admit. Learned counsel appearing on behalf of the respondents waives service. By consent, heard forthwith.

2. By consent, the impugned order is set aside and the matter is remanded to the learned single Judge to decide the arbitration petition under Section 34 of the Arbitration and Conciliation Act, 1996 afresh in accordance with the provisions of law. All the issues are kept open and it is made clear that this Court has not expressed any opinion on any of the issues sought to be raised in the appeal. With the above observations, the appeal stands disposed of with no order as to costs.

(Dr.D.Y.Chandrachud, J.) (R.M.S.Khandeparkar, J.)

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